

[Doc. No. 4]

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MARY BRADLEY and TERESA ELDRIDGE,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	No. 1:08-CV-03075
	:	
THE ATLANTIC CITY BOARD OF	:	
EDUCATION, ATLANTIC CITY BOARD OF	:	
EDUCATION SUPERINTENDENT	:	
FREDRICK NICKLES, DIRECTOR OF	:	
OPERATIONS BARRY CALDWELL, and	:	
JOHN DOE DECISION-MAKERS	:	
(plural 1-10),	:	
	:	
Defendants.	:	

ORDER

This matter is before the Court on the "Motion to Extend Time to Argue, Move, or Otherwise Reply to the Complaint" pursuant to Fed.R.Civ.P. 6(b)(1)(B) filed by Frances Wang Deveney, Esquire, counsel for Defendants, Atlantic City Board of Education and Fredrick Nickles. [Doc. No. 4]. Defendants request a thirty (30) day extension of time to respond to Plaintiffs' Complaint. Defendants argue that an extension should be granted because their failure to respond within the original time frame was the result of excusable neglect. [Doc. No. 4-2]. Defendants also contend that an extension of time will not prejudice Plaintiffs and will give the parties the ability to litigate the issues on the merits. [Doc. No. 4-2]. Plaintiffs have not filed

opposition to Defendants' Motion. For the reasons to follow, Defendants' Motion is GRANTED.

Pursuant to Fed.R.Civ.P. 6(b)(1)(B), if a party requests an extension after the original time period has expired, the court may extend the time to respond upon a showing of excusable neglect. In determining whether neglect is excusable a court may consider 1) the danger of the prejudice to the opposing party, 2) the length of the delay and its impact on the judicial proceedings, 3) the reason for the delay, and 4) whether the moving party acted in good faith. Space v. BRPM Towing Service, Inc., Civ. No. 07-947 (JAG), 2007 WL 4570157 at *1 (D.N.J. 2007) (citing In re Diet Drugs Prods. Liab. Litig., 401 F.3d 143, 153 (3d Cir. 2005)).

The Court is satisfied that Defendants, Atlantic City Board of Education and Fredrick Nickles, should be granted additional time to respond to Plaintiffs' Complaint. The Court is satisfied that Defendants are not acting in bad faith or with dilatory motive. The Plaintiffs will not be prejudiced if Defendants' Motion is granted.

Accordingly, for the foregoing reasons,

IT IS on this 7th day of August 2008 hereby

ORDERED that Defendants' "Motion to Extend Time to Argue, Move, or Otherwise Reply to the Complaint" is GRANTED; and it is further

ORDERED that no later than September 2, 2008 Defendants shall file and serve their response to Plaintiffs' Complaint.

/s/ Joel Schneider

JOEL SCHNEIDER

United States Magistrate Judge